

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

September 22, 2004

XO LONG DISTANCE SERVICES, INC.  
Request to Abandon Service

Docket No. 2004-506

ORDER GRANTING  
AUTHORITY TO ABANDON  
SERVICE

XO COMMUNICATIONS, INC  
Petition for Finding of Public Convenience  
and Necessity to Provide Service as a Local  
Exchange and Interexchange Telephone Utility

Docket No. 2004-619

ORDER GRANTING  
AUTHORITY TO  
PROVIDE RESOLD AND UNE-P  
LOCAL EXCHANGE SERVICE  
AND INTEREXCHANGE  
SERVICE

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WELCH, Chairman; DIAMOND and REISHUS, Commissioners

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On July 28, 2004, in Docket No. 2004-506, XO Long Distance Services, Inc. (XO Long Distance) and XO Communications Services, Inc. (XO Communications) filed a joint application for approval of "such approval as may be necessary for an internal corporate reorganization" that would mean that XO Long Distance would cease to provide service in Maine their customers would be transferred to XO Communications. No approval of the reorganization is necessary because we waived the approval requirements of 35-A M.R.S.A. § 708 in the order granting authority to XO Long Distance. XO Long Distance does, however, need to obtain Commission approval to abandon service pursuant to 35-A M.R.S.A. § 1104, and XO Communications needs to obtain approval to provide service pursuant to 35-A M.R.S.A. §§ 2102 and 2105. As a result of these transactions, XO Long Distance's current authority to provide telephone service will terminate and XO Communications will, in effect, take over its service.

We granted authority to XO Long Distance in to provide interexchange service in Docket No. 99-763 and to provide resold local exchange service and local exchange service provided through unbundled network platforms (UNE-Ps) in Docket No. 2003-518. By this order we grant authority to XO Communications to provide the same services that XO Long Distance was authorized to provide, subject to all provisions of the orders in Docket Nos. 99-763 and 2003-518 that granted authority to provide those services to XO Long Distance.

XO Communications has informed the Commission that the service, rate schedules and terms and conditions of XO Communications will be identical to those of XO Long Distance. In cases where a change such as the one before us has resulted in a change in rates or terms and conditions to existing customers, we have required the

abandoning utility to provide notice to its customers. As this transaction will present no such change, we will not require notice. XO Communications must, however, file rate schedules and terms and conditions that are identical to the set on file for XO Long Distance, but with the name changed to XO Communications.

Wherefore, we

## ORDER

1. That the request, pursuant to 35-A M.R.S.A. § 1104, by XO Long Distance Services, Inc. to abandon service is hereby granted;

2. That the petition, filed pursuant to 35-A M.R.S.A. § 2102, of XO Communications Services, Inc. for a finding of public convenience and necessity to provide interexchange public utility telephone service and local exchange service provided through resale and the purchase of unbundled network platforms is hereby granted; XO Communications shall be bound by and subject to all provisions, including the ordering paragraphs, of the orders granting authority to XO Long Distance Services, Inc. in Docket Numbers 99-763 and 2003-518;

3. That within 30 days of the date of this order XO Communications Services, Inc. shall file rate schedules and terms and conditions that will be identical to the present rate schedules and terms and conditions of XO Long Distance Services, Inc. except for the change in name.

Dated at Augusta, Maine this xxth day of September 22, 2004.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Diamond  
   Reishus

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.